## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA TERRE HAUTE DIVISION

SHAWN MOSS, on behalf of, LLOYD B. MOSS, deceased, (Social Security No. XXX-XX-6172),	) )	
Plaintiff,	)	
v.	)	2:07-cv-30-WGH-LJM
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,	) )	
Defendant.	)	

## ORDER GRANTING MOTION FOR RELIEF FROM ORDER PURSUANT TO FED. R. CIV. P. 60(b)

This matter is before the Court on the Motion for Relief From Order Pursuant to Fed. R. Civ. P. 60(b) filed April 1, 2008. (Docket Nos. 33-34). Plaintiff has filed no response.

Because granting this motion will expedite the Plaintiff's ability to have his case considered on its merits upon remand, and because there is no objection filed by the Plaintiff, and, as pointed out in the Commissioner's brief, the Court is not required to interpret 20 C.F.R. § 404.1566 to resolve this matter, the Court hereby **GRANTS** the Motion for Relief From Order Pursuant to Fed. R. Civ. P. 60(b). The Court's finding at paragraph 6 in the "Analysis" section of its Order Remanding the Commissioner's Decision, at pages 6-7, is hereby **STRICKEN.** In

all other respects, the Order Remanding the Commissioner's Decision remains as previously issued.

SO ORDERED.

**Dated:** May 2, 2008

WILLIAM G. HUSSMANN, JR.

Magistrate Judge

## **Electronic copies to:**

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